

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-2, 4-7, 9-36 and 38-39 are pending in the present application. The present Amendment amends Claims 1, 6, 11, 18, 25 and 29 without introducing any new matter or raising new issues.

In the outstanding Office Action, Claims 1, 2, 6, 7, 15, 22, 25-27, 29-31, 35, 38 and 39 were rejected under 35 U.S.C. §103(a) as unpatentable over Stefik et al. (U.S. Patent No. 6,233,684, herein “Stefik”) in view of Schneck et al. (U.S. Pat. No. 5,933,498, herein “Schneck”) and Perlman (U.S. Patent No. 6,363,480); Claims 4-5, 9-10, 16-17, 23-24, 28 and 32 were rejected under 35 U.S.C. §103(a) as unpatentable over Stefik, Schneck Perlman in further view of Chou et al. (U.S. Patent No. 5,337,357, herein “Chou”); and Claims 11-14 and 18-21 were rejected under 35 U.S.C. §103(a) as unpatentable over Stefik and Schneck.

Applicant respectfully requests reconsideration of the rejections of Claims 1-2, 4-7, 9-36 and 38-39 under 35 U.S.C. §103(a), and traverses the rejections, as discussed next.

Amended Claim 1 recites, in part,

...said image forming apparatus comprising:

...a deciphering part configured to decipher data received from the external apparatus, based on the enciphering key stored in the storage part;

a validity determining part configured to determine whether or not the deciphered data obtained by the deciphering part is valid;

a judging part configured to judge whether the deciphered data obtained by the deciphering part is for printing or for updating;

a printing part configured to print the deciphered data on a recording medium after the validity determining part determines that the deciphered data is valid and the judging part judges that the deciphered data is for printing; and

a processing part configured to update a version of the program used by the image forming apparatus based on the deciphered data after the judging part judges that the

deciphered data is valid, is for updating and includes data for updating the version of the program used by the image forming apparatus.

Claims 6, 11, 18, 25 and 29 recite similar features.

Stefik describes a trusted rendering system for controlling the distribution and use of digital works. In addition, Stefik describes a system, as illustrated in Figure 14, in which encrypted print data is fed through a trust box 1403 before being sent in decrypted form to a printer 1404. Schneck describes a method of controlling access to data that includes user rights. Pearlman teaches a system of generating keys.

The outstanding Action states on pages 2-3 that

...the Examiner is interpreting the combined printer, trust box and PC [of Stefik] as Applicant's "apparatus" as they operate together to allow a user to securely obtain and print content at a user location (figure 14).

...Both Stefik and Schneck et al. teach systems that control content based on rights (e.g. print, copy, play) associated with said content ('684, figure 6; '498, column 25, lines 10-40). Therefore, the user PC will necessarily associate "print" rights with content intended for printing ('684, figures 6, 10 and 12; '498, column -23, lines 18-31) and "access" rights that allow or prevent a user from accessing downloaded content such as software updates that improve content performance ('498, column/lines 29/63-3015), as a PC is a logical machine.

Further the outstanding Action states on page 4-5 that

a judging part to determine whether deciphered data is valid (**i.e. user has view or play "right" and not "print" right**) printing part to print valid data (figures 6, 7 and 15; column 9, lines 3-10, 28-40, and 55-60; column 18, lines 55-59)

...Stefik et al. do not specifically disclose notifying an external apparatus if actions are not valid and updating software using deciphered data. Schneck et al. et al. teach updating software if deciphered data is valid (**i.e. user has rights**) (column/line 23/5-2414; column 25, lines 10-40) (emphasis added).

In other words, the outstanding Action takes the position that determining whether or not deciphered data obtained by the deciphering part is valid is equivalent to determining whether or not a user has rights to “print” or “update” using the data. Applicants respectfully traverse this assertion. Specifically Applicants respectfully submit that Claim 1 clearly recites that the validity determining part determines whether or not the deciphered data obtained by the deciphering part is valid.

In other words, the data use rights have clearly already been resolved before the data is presented to the validity determining part. The validity determining part is used to determine whether **the deciphered data** is valid. Thus, the validity determining part looks at the decrypted data that the system clearly has full access to and determines if the data is the type of data is valid (e.g. if the data isn’t corrupted).

Interpreting the recited phrase “valid” to be equivalent to “has rights to” is not consistent with the entire claim or the corresponding specification and, as such, ***is not a reasonable interpretation***. MPEP §2111 states “during patent examination, the pending claims must be ***“given their broadest reasonable interpretation consistent with the specification”***” (emphasis added).

Clearly the deciphering in Stefik comes ***after*** rights are determined, not before. For instance, in Figure 12 of Stefik, the access rights are first determined in steps 1203-04 then the work is decrypted in step 1208. It is not reasonable to interpret the validity determining part recited in Claim 1 as being equivalent to a rights manager. Clearly the validity determining part recited in Claim 1 is used to determine if the already ***decrypted*** data is whole, i.e. valid, not whether or not a user has access to the data.

The Advisory Action mailed August 28, 2007 states

Applicant asserts that “deciphering must come after rights are determined, not before” (Remarks, 7-24-2007, page 4, third full paragraph, lines 1-2). The Examiner respectfully disagrees with Applicant's analysis. After content is decrypted

the computer has to decide what to do with the decrypted content (e.g. play, print, display, update), hence the combined prior art computer necessarily comprises a "judging part", otherwise, the computer would attempt to update existing software, using a downloaded book ('684, figure 15), for example.

However, Applicants note that deciding what to do with the decrypted content (e.g. play, print, display) is not equivalent to determining the validity of the decrypted content. In addition, Stefik simply does not describe determining rights after decryption. See Figure 12. Nevertheless, the outstanding Action has taken the position that determining rights is equivalent to determining the validity of the decrypted content, a position that applicants strongly traverse. However, even if determining the validity was taken to be equivalent to determining rights for arguments sake, Stefik still would not anticipate the claimed invention as the determination of rights in Stefik is not accomplished using *decrypted* content.

Further, the Advisory Action states that Stefik must make some sort of judgment otherwise the computer would attempt to update existing software using a downloaded book, however Applicants note that Stefik does not describe or suggest a processing part configured to update a version of the program used by the image forming apparatus based on the deciphered data. Instead, the outstanding Action has relied on Schneck as describing an updating software part.

However, the Advisory Action brings up an important point, specifically, that combining the printing system of Stefik with the automated upgrading system mentioned in Schneck, would result in a system that is unsatisfactory for its intended purpose. There is no evidence that Stefik inherently includes some way of determining whether the data is for printing or the data is for updating, instead a close look at the system of Stefik clearly evidences that combining the Stefik and Schneck systems would be impossible. As is noted in MPEP §2143.01 and in *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984), "if proposed modification would render the prior art invention being modified unsatisfactory for

its intended purpose, then there is no suggestion or motivation to make the proposed modification.” Merely combining the disclosure of Stefik and Schneck clearly is not enough to anticipate the features of the claimed invention. An additional element, one that judges the data to ensure that the data for updating is not used for printing is needed before the automated upgrading system mentioned in Schneck can merely be dropped into the content printing system of Stefik, otherwise the computer might attempt to update existing software using a downloaded book. However, this additional element is not found in the combination of Stefik and Schneck.

Thus, the combination of Stefik and Schneck does not describe or suggest “a validity determining part configured to determine whether or not the deciphered data obtained by the deciphering part is valid,” or “a judging part configured to judge whether the deciphered data obtained by the deciphering part is for printing or for updating,” as is recited in Claim 1.

Perlman does not cure the above noted deficiencies of Stefik and Schneck.

Independent Claims 6, 11, 18, 25 and 29 recite features analogous to the features recited in independent Claim 1. Moreover, Claims 6, 11, 18, 25 and 29 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicant respectfully submits that the rejections of Claims 6, 11, 18, 25 and 29, and all associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 1.

Accordingly, even assuming that the combination of Stefik, Schneck and Perlman is proper, the applied references fail to teach or suggest all the elements of Applicant’s independent claims as is noted above. Thus, Applicant respectfully submits that independent Claims 1, 6, 11, 18, 25 and 29 patentably distinguish over Stefik, Schneck and Perlman considered alone or in combination.

Further, the reference Chou applied in the context of a 35 U.S.C. §103(a) rejection of the dependent claims does not remedy the deficiencies of the references Stefik, Schneck and/or Perlman, taken individually or in combination, as discussed above.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-2, 4-7, 9-36 and 38-39.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-2, 4-7, 9-36 and 38-39 is earnestly solicited.

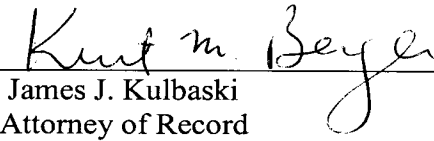
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